

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BATTALINE, an individual, and ,
VINCENT ROSS, an individual,

Plaintiff,

v.

ADVEST, INC., corporation,

Defendant.

Civil Action No. 06-569

**Judge Gary L. Lancaster
Electronically Filed**

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

The Parties to this matter, by and through their undersigned counsel, respectfully move this Court for an Order preliminary approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement. In support of this Motion, the Parties aver as follows:

1. After extensive arms-length negotiations facilitated by experienced labor and employment lawyer/mediator Mark Hornak, the Parties have reached a proposed settlement of this putative collective/class action. In or about late June of 2007, the Parties executed a Stipulation Re Settlement of Class Action (“Settlement Agreement” or “Settlement”), a copy of which is attached hereto as Exhibit A.

2. Pursuant to the terms of the Settlement Agreement, Plaintiff will file an Amended Complaint, which includes Plaintiffs’ original claims under Pennsylvania state wage and hour law, but adds claims under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and the state wage and hour laws of Connecticut, Florida, Massachusetts, New York and Ohio.

3. The terms of the proposed Settlement, the proposed form of notice to the class, and the proposed manner of disseminating notice to the class are set forth in detail in the Settlement

Agreement attached hereto.

4. Consistent with the Memorandum of Law filed herewith, the Parties respectfully request that the Court sign the proposed Order preliminary approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement.

WHEREFORE, the Parties respectfully request that the Court enter the proposed Order preliminarily approving the Settlement attached as Exhibit 1 to the Settlement Agreement.

Respectfully Submitted,

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